

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

Intersections, Inc. and Net Enforcers, Inc.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:09CV597 (LMB/TCB)
)	
Joseph C. Loomis and Jenni M. Loomis,)	
)	
<u>Defendants.</u>)	

DEFENDANTS' OBJECTIONS TO PLAINTIFFS' TRIAL EXHIBITS

Defendants Joseph C. Loomis and Jenni M. Loomis (collectively, "Defendants") hereby object to Plaintiffs Intersections, Inc. and Net Enforcers, Inc.'s (collectively, the "Plaintiffs") proposed trial exhibits as follows:

GENERAL OBJECTIONS

In general, in objecting to Plaintiffs' proposed trial exhibits, Defendants have attempted to anticipate the likely proffered uses for Plaintiffs' proposed exhibits, but may not have anticipated all conceivable purposes for which Plaintiffs may seek to introduce their proposed exhibits. Defendants further note that a number of Plaintiffs' proposed exhibits have also been designated as exhibits by Plaintiffs ("common exhibits"). Because, under the Federal Rules of Evidence, (1) documents that are admissible on behalf of one party may not necessarily be admitted on behalf of another, and (2) documents admissible for certain purposes may not be admissible for other purposes, Defendants reserve the right to object to Plaintiffs' use of any of the proposed exhibits (including common exhibits) to the extent that such proposed use by Plaintiffs is impermissible in this case under the Federal Rules of Evidence.

In particular, Defendants reserve the right to object to any of Plaintiffs' proposed exhibits on relevance grounds to the extent the scope of the trial may be affected by rulings on motions filed in this case or other developments in the litigation. Moreover, Defendants have refrained from interposing hearsay objections as to certain proposed exhibits purportedly generated by Plaintiffs. Defendants, however, reserve the right to object to any use of "internal hearsay" in such documents, *i.e.*, assertions recorded in a document but stated by an individual other than the document's author and handwritten marginalia. Finally, Defendants reserve the right to object to the use of any exhibit for which Plaintiffs fail to lay a sufficient foundation at trial. The foregoing specific reservations of right are not intended to limit in any way Defendants' right to object to any impermissible use of exhibits at trial by Plaintiffs.

SPECIFIC OBJECTIONS

Without limiting or waiving the foregoing general objections, Defendants further object to each of Plaintiffs' proposed trial exhibits as follows:

2. Common exhibit (see general objections).
3. Common exhibit (see general objections).
4. Common exhibit (see general objections).
5. Common exhibit (see general objections).
13. Common exhibit (see general objections).
14. Common exhibit (see general objections).
15. Foundation; authentication.
16. Foundation; authentication.
17. Foundation; authentication.

18. Foundation; authentication.
19. Foundation; authentication.
20. Foundation; authentication.
21. Foundation; authentication.
22. Common exhibit (see general objections).
23. Common exhibit (see general objections).
24. Common exhibit (see general objections).
26. Common exhibit (see general objections).
27. Common exhibit (see general objections).
28. Common exhibit (see general objections).
29. Common exhibit (see general objections).
30. Common exhibit (see general objections).
31. Common exhibit (see general objections).
32. Foundation; authentication.
33. Foundation; authentication.
34. Common exhibit (see general objections).
35. Common exhibit (see general objections).
36. Common exhibit (see general objections).
37. Common exhibit (see general objections).
38. Relevance; foundation; authentication.
39. Relevance; foundation; authentication.
40. Relevance; foundation; authentication.
41. Relevance; foundation; authentication.

- 42. No objection.
- 44. Common exhibit (see general objections).
- 45. Common exhibit (see general objections).
- 46. Common exhibit (see general objections).
- 48. Common exhibit (see general objections).
- 50. Foundation; authentication; hearsay.
- 51. Foundation; authentication; hearsay.
- 52. Foundation; authentication; hearsay;
- 53. Foundation; authentication; hearsay.
- 54. Common exhibit (see general objections).
- 55. Foundation; authentication; hearsay.
- 56. Relevance.
- 57. Foundation; authentication; hearsay.
- 59. Common exhibit (see general objections).
- 60. Hearsay.
- 61. Common exhibit (see general objections).
- 62. Common exhibit (see general objections).
- 63. Common exhibit (see general objections).
- 64. Foundation; authentication.
- 65. Foundation; authentication.
- 66. Common exhibit (see general objections).
- 67. Common exhibit (see general objections).
- 68. Foundation; authentication; best evidence.

69. Authentication; foundation; best evidence.
70. Authentication; foundation; best evidence.
71. Authentication; foundation; best evidence.
72. Authentication; foundation; best evidence.
73. Authentication; foundation; best evidence.
74. Authentication; foundation; best evidence.
75. Authentication; foundation; best evidence.
76. Authentication; foundation; best evidence.
77. Authentication; foundation; best evidence.
78. Authentication; foundation; best evidence.
79. Hearsay; authentication; foundation; best evidence.
80. Foundation; authentication; best evidence.
81. Foundation; authentication; best evidence.
82. Common exhibit (see general objections).
83. Foundation; authentication.
84. Foundation; authentication.
85. Foundation; authentication.
86. Foundation; authentication.
87. Foundation; authentication.
88. Foundation; authentication.
89. Foundation; authentication.
90. Foundation; authentication.
91. Foundation; authentication.

- 92. Foundation; authentication.
- 93. Foundation; authentication.
- 94. Foundation; authentication.
- 95. Foundation; authentication.
- 96. Foundation; authentication.
- 97. Foundation; authentication.
- 98. Foundation; authentication.
- 99. Foundation; authentication.
- 100. Foundation; authentication.
- 101. Foundation; authentication.
- 102. Foundation; authentication.
- 103. No objection.
- 108. Common exhibit (see general objections).
- 112. Common exhibit (see general objections).
- 124. Foundation; authentication; best evidence.
- 125. Common exhibit (see general objections).
- 128. Foundation; authentication; hearsay.
- 130. Common exhibit (see general objections).
- 133. Common exhibit (see general objections).
- 134. Common exhibit (see general objections).
- 136. Common exhibit (see general objections).
- 137. Common exhibit (see general objections).
- 138. Common exhibit (see general objections).

- 158. Common exhibit (see general objections).
- 159. Common exhibit (see general objections).
- 160. Common exhibit (see general objections).
- 161. Common exhibit (see general objections).
- 162. Common exhibit (see general objections).
- 163. Common exhibit (see general objections).
- 164. Common exhibit (see general objections).
- 165. Common exhibit (see general objections).
- 166. Common exhibit (see general objections).
- 167. Common exhibit (see general objections).
- 175. Common exhibit (see general objections).
- 195. Common exhibit (see general objections).
- 198. Foundation; authentication; hearsay; best evidence.
- 199. Common exhibit (see general objections).
- 202. Common exhibit (see general objections).
- 206. Common exhibit (see general objections).
- 212. Relevance; foundation; authentication.
- 213. Relevance; foundation; authentication.
- 214. Relevance.
- 215. Relevance.
- 216. Relevance.
- 217. Relevance.
- 218. Hearsay.

- 219. Foundation; authentication; hearsay; best evidence.
- 220. Foundation; authentication; hearsay; best evidence.
- 221. Foundation; authentication; best evidence.
- 222. Foundation; authentication; hearsay.
- 223. Foundation; authentication; hearsay.
- 224. Foundation; authentication; best evidence.
- 225. Foundation; authentication; hearsay.
- 226. Foundation; authentication.
- 227. Foundation; authentication.
- 228. Foundation; authentication; best evidence.
- 229. Foundation; authentication; best evidence.
- 230. Foundation; authentication; best evidence.
- 231. Foundation; authentication.
- 232. Foundation; authentication; best evidence.
- 233. Foundation; authentication; best evidence.
- 234. Not produced in discovery; foundation; authentication; best evidence.
- 235. Not produced in discovery; foundation; authentication; best evidence.
- 236. Not produced in discovery; foundation; authentication; best evidence.
- 237. Not produced in discovery; foundation; authentication; best evidence.
- 238. Not produced in discovery; foundation; authentication; best evidence.
- 239. Not produced in discovery; foundation; authentication; best evidence.
- 240. Not produced in discovery; foundation; authentication; best evidence.
- 241. Not produced in discovery; foundation; authentication; best evidence.

- 242. Not produced in discovery; foundation; authentication; best evidence.
- 243. Not produced in discovery; foundation; authentication; best evidence.
- 244. Not produced in discovery; foundation; authentication; best evidence.
- 245. Not produced in discovery; foundation; authentication; best evidence.
- 246. Not produced in discovery; foundation; authentication; best evidence.
- 247. Foundation; authentication; best evidence.
- 248. Foundation; authentication; best evidence.
- 249. Foundation; authentication; best evidence.
- 250. Foundation; authentication; hearsay.
- 251. Foundation; authentication; hearsay; best evidence.
- 252. Foundation; authentication; best evidence.
- 253. Foundation; authentication; hearsay; best evidence.
- 254. Foundation; authentication; hearsay; best evidence.
- 255. Foundation; authentication; hearsay; best evidence.
- 256. Foundation; authentication; hearsay; best evidence.
- 257. Foundation; authentication; hearsay.
- 258. Foundation; authentication; hearsay.
- 259. Foundation; authentication; hearsay.
- 260. Foundation; authentication; hearsay; best evidence.
- 261. Relevance; foundation; authentication; hearsay; best evidence.
- 262. Foundation; authentication; hearsay; best evidence.
- 263. Foundation; authentication; hearsay; best evidence.
- 264. Foundation; authentication; hearsay; best evidence.

- 265. Foundation; authentication; best evidence.
- 266. Foundation; authentication.
- 267. Foundation; authentication; hearsay; best evidence.
- 268. Foundation; authentication; hearsay; best evidence.
- 269. Foundation; authentication; hearsay; best evidence.
- 270. Relevance; foundation; authentication.
- 271. Foundation; authentication; hearsay.
- 272. Foundation; authentication; hearsay.
- 273. Foundation; authentication; hearsay; best evidence.
- 274. Foundation; authentication; hearsay.
- 275. No objection.
- 276. Foundation; authentication.
- 277. Relevance; foundation; authentication; hearsay.
- 278. Relevance; foundation; authentication; hearsay.
- 279. Relevance; foundation; authentication; hearsay.
- 280. Relevance.
- 281. Relevance.
- 282. Relevance.
- 283. Relevance; hearsay.
- 284. Relevance; foundation; authentication.
- 285. Relevance; foundation; authentication.
- 286. Relevance; foundation; authentication.
- 287. Foundation; authentication; best evidence.

- 288. Foundation; authentication.
- 289. Foundation; authentication.
- 290. Foundation; authentication; hearsay; best evidence.
- 291. Foundation; authentication; best evidence.
- 292. Best evidence.
- 293. Relevance.
- 294. Relevance; hearsay.
- 295. Relevance; foundation; authentication; hearsay.
- 296. Foundation; authentication; hearsay.
- 297. Relevance; best evidence.
- 298. Relevance; best evidence.
- 299. Foundation; authentication; hearsay.
- 300. Best evidence.
- 301. Best evidence.
- 302. Best evidence.
- 303. Foundation; authentication; best evidence.
- 304. Best evidence.
- 305. Best evidence.
- 306. Best evidence.
- 307. Foundation; authentication; hearsay; best evidence.
- 308. Foundation; authentication; best evidence.
- 309. Foundation; authentication; best evidence.
- 310. Foundation; authentication; best evidence.

- 311. Foundation; authentication; best evidence.
- 312. Foundation; authentication; best evidence.
- 313. Foundation; authentication; best evidence.
- 314. Foundation; authentication; best evidence.
- 315. Foundation; authentication; best evidence.
- 316. Foundation; authentication; best evidence.
- 317. Foundation; authentication; best evidence.
- 318. Foundation; authentication; best evidence.
- 319. Foundation; authentication; best evidence.
- 320. Foundation; authentication; best evidence.
- 321. Best evidence.
- 322. Foundation; authentication; hearsay.
- 323. No objection.
- 324. No objection.
- 325. No objection.
- 326. No objection.
- 327. Relevance; foundation; authentication; best evidence.
- 328. Relevance; foundation; authentication.
- 329. Relevance; foundation; authentication.
- 330. Relevance; foundation; authentication.
- 331. Relevance; foundation; authentication.
- 332. Relevance; foundation; authentication.
- 333. No objection.

- 334. Foundation; authentication; hearsay.
- 335. Relevance; foundation; authentication; hearsay.
- 336. Relevance.
- 337. Relevance.

Dated: January 5, 2010

Respectfully Submitted,

By _____/s/_____

Thomas M. Dunlap, VSB# 44016
Ellis Bennett, VSB # 71685
David Ludwig, VSB #73157
Dunlap, Grubb & Weaver, PLLC
199 Liberty Street, S.W.
Leesburg, Virginia 20175
tdunlap@dglegal.com
ebennett@dglegal.com
dludwig@dglegal.com
(703) 777-7319 (telephone)
(703) 777-3656 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 2010, I caused the foregoing Defendants' Objections to Plaintiffs' Trial Exhibits to be electronically filed with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Michelle Dickinson, Esq., Michelle.Dickinson@dlapiper.com
DLA Piper LLP (US)
6225 Smith Avenue
Baltimore, MD 21209
T: 410.580.3000
F: 410.580.3001
Counsel for Plaintiffs Intersections, Inc. and Net Enforcers, Inc.

_____/s/_____
David Ludwig